

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2416 - SB 2281

February 12, 2022

SUMMARY OF BILL: Enacts the *Tennessee Abortion-Inducing Drug Risk Protocol Act*. States that an abortion-inducing drug may be provided only by a qualified physician and sets the procedures that must be taken by that physician prior to and following providing an abortion-inducing drug.

Bans abortion-inducing drugs from being provided on elementary, secondary, or postsecondary school grounds.

Establishes informed consent requirements for an individual seeking an abortion-inducing drug from a physician. Requires that the Department of Health (DOH) publish state-prepared, printed materials on informed consent for abortion and the ability to reverse the abortion pill.

Requires that all hospitals or other facilities that provide abortion-inducing drugs report each chemical abortion performed on prescribed forms. Requires that a physician who provides an abortion-inducing drug provides a written report if the patient experiences an adverse event. Requires that a healthcare provider submit a report for any adverse event or complication that occurs contemporaneously to or at any time after a chemical abortion. Mandates that the DOH prepare an annual statistical report based on this data and distribute it to the Tennessee General Assembly (TGA) and to the United States CDC. States that reports filed are public record. Implements data storing standards in order to protect the confidentiality and identity of individuals seeking a chemical abortion. Requires these forms to be distributed no later than October 1, 2022.

Creates a Class E felony for anyone who intentionally, knowingly, or recklessly violates this act. States that failure to comply with this act provides a basis for a civil malpractice action against a healthcare provider.

Allows the Board of Medical Examiners and the DOH to promulgate rules to effectuate the purposes of the act.

FISCAL IMPACT:

**Increase State Expenditures – \$816,500/FY22-23
\$303,600/FY23-24 and Subsequent Years**

HB 2416 - SB 2281

Assumptions:

- There will not be a sufficient number of Class E felony prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- In order to achieve the electronic data infrastructure necessary to accomplish the proposed legislation, which includes compiling, storing, analyzing, and tracking a minimum of 9,000 reports annually, it is estimated that DOH will require a one-time expenditure of \$500,000 in FY22-23 and a recurring expenditure of \$2,400 for maintenance, beginning in FY23-24.
- The proposed legislation will require three additional staff positions within DOH, which are as follows:
 - One Public Health Nursing Consultant 2 position will be required to develop the various forms discussed in the legislation, as well as to act as a liaison with medical professionals and to distribute information. This will lead to a recurring increase in state expenditures of \$101,912 (\$81,456 salary + \$20,456 benefits) and a one-time increase in state expenditures of \$5,100 for computer and equipment costs in FY22-23.
 - One Epidemiologist 1 position will be required in order to analyze what data elements are necessary for the required forms, and to develop and present that data in the required reports. This will lead to a recurring increase in state expenditures of \$101,912 (\$81,456 salary + \$20,456 benefits) and a one-time increase in state expenditures of \$5,100 for computer and equipment costs in FY22-23.
 - One Clinical Application Coordinator 1 position will be required in order to develop and maintain necessary IT infrastructure. This will lead to a recurring increase in state expenditures of \$97,378 (\$77,568 salary + \$19,810 benefits) and a one-time increase in state expenditures of \$5,100 for computer and equipment costs in FY22-23.
- Printing and publishing the required printed materials on informed consent for abortion and the ability to reverse the abortion pill can be accommodated with existing DOH resources.
- Therefore, the total increase in state expenditures for FY22-23 will be \$816,502 [$\$500,000 + \$101,912 + \$101,912 + \$97,378 + (\$5,100 \times 3)$].
- The total increase in state expenditures for FY23-24 and subsequent years will be \$303,602 ($\$2,400 + \$101,912 + \$101,912 + \$97,378$).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/cd